

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18351-18400

[Approved by the Secretary of Agriculture, Washington, D. C., January 22, 1932]

18351. Misbranding of Dr. Livingston's Special Invigorator. U. S. v. 19 Bottles of Dr. Livingston's Special Invigorator. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26219. I. S. No. 27537. S. No. 4444.)

Examination of a drug product, known as Dr. Livingston's Special Invigorator, from the shipment herein described having shown that the bottle label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that the article contained a larger proportion of alcohol than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On April 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 bottles of the said Dr. Livingston's Special Invigorator, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Search Warrant Liniment Co., from Griffin, Ga., on or about May 1, 1930, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt (6.5 grams per 100 milliliters), extracts of plant drugs including senna, alcohol (15.2 per cent by volume), sugar, and water.

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "Guaranteed under the Food and Drugs Act, June 30, 1906, No. 10,409," was false and misleading. Misbranding was alleged for the further reason that the bottle label failed to bear a statement of the quantity or proportion of alcohol contained in the article, since the quantity stated, namely, "2 per cent Pure Alcohol," was incorrect. Misbranding was alleged for the further reason that the following statements appearing on the bottle label, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Dr. Livingston's Special Invigorator, The Great Vitalizer and Nerve Tonic, Nature's wonderful aid to suffering humanity. To build and tone up male or female. It Has No Equal."

On May 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18352. Misbranding of Jones' liniment. U. S. v. 36 Bottles of Jones' Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26123. I. S. No. 27530. S. No. 4434.)

Examination of a drug product, known as Jones' liniment, having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which

it did not possess, the Secretary of Agriculture reported to the United States attorney for the Southern District of Florida the shipment herein described, involving a quantity of the product at Tampa, Fla.

On April 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 bottles of Jones' liniment, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by M. Spiegel & Sons (Inc.), from Albany, N. Y., on or about January 31, 1931, and had been transported from the State of New York into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petroleum product such as kerosene, capsicum oleoresin, and volatile oils such as methyl salicylate, camphor oil, mustard oil, and an oil similar to turpentine oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels and in the accompanying circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Rheumatic Pains, Neuralgia, Sore Throat and Quinsy, Headache (Nervous) * * * Backache * * * Lameness, Chilblains * * * It is good for Rheumatism, Lumbago, Neuralgia, Colic and Cramps, Headache, Earache, Cold in the Chest and Lungs, * * * Gout, Sore Throat, * * * Aching Feet, Inflammation * * * A pain killer that will relieve these afflictions is an absolute necessity to everybody. It is the best safeguard against suffering from Accidents * * * If after using it a few times the pains are still lingering, apply to the affected part a cloth wrung in hot water and afterwards the Liniment is applied until relief is experienced;" (bottle) "For * * * Rheumatism, Neuralgia, Headache, Backache * * * Lameness, Bunions, Chilblains, Colic and All Bodily Pains. * * * This Liniment is used for strengthening weak back or limbs, and healing bodily pains and inflammations. * * * In protracted pain a cloth moistened with the Liniment may be applied until relief is experienced;" (circular) "For Rheumatic and other pains in the joints, lower limbs or hips, apply Jones' Liniment * * * Apply a cloth saturated with the Liniment to reduce inflammation and swelling. * * * For Backache, pains in the sides, shoulders, stiff neck and joints, apply the Liniment * * * For Neuralgia in the head, keep the temples bound up with a linen cloth saturated with Jones' Liniment, and apply it to the back of the neck and ears. * * * For Nervous Headache, apply Jones' Liniment to the forehead, back of the neck, behind the ears, and inhale the fumes. For Sciatica, * * * For Sore Throat and Quinsy * * * For Earache, * * * For * * * Swellings * * * For Pains in Chest and Lungs * * * For Bunions * * * For Corns * * * For * * * weak Joints and Ankles * * * For Colic, Cramps, Cholera Morbus and other internal pains * * * swellings, cracked heels * * * scratches, cramps or contraction of the muscles, sore throat, colic, distemper, epizootic * * * and other diseases that can be reached by external application * * * For the Flu, Cough * * * Bronchitis * * * will * * * relieve * * * catarrhal conditions."

On May 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18353. Adulteration and misbranding of Cato Anti-Pyorrhea tooth paste.
U. S. v. 3¼ Dozen Tubes of Cato Anti-Pyorrhea Tooth Paste.
Default decree of condemnation, forfeiture, and destruction.
 (F. & D. No. 25759. I. S. No. 8139. S. No. 3983.)

Examination of the composition and labeling of the drug product herein described having shown that it was represented to be an antiseptic and germicide, whereas it was not, also that the labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3¼ dozen tubes of Cato Anti-Pyorrhea tooth paste at Memphis,